

REMARKS

Claims 14 - 16 are pending in the application. Applicants amend claims 14 - 16. No new matter is introduced. Support for the amendments may be found, for example, at page 8, line 28 through page 9, line 9 of Applicants' specification.

REJECTIONS UNDER 35 U.S.C. § 103

In an Office Action mailed on July 14, 2004, claims 14 - 16 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent No. 6,574,216 to Farris et al. Applicants amend claims 14 - 16 to further clarify the nature of their invention, and respectfully traverse this rejection.

In amended independent claim 14, for example, Applicants disclose:

14. An exchange comprising:

a first trunk that is connectable to an Internet gateway that includes a voice processing part for converting voice into packet data;

a second trunk that is connectable to a public telephone network;

a switch control part for controlling the exchange to switch a route of a call from a network to another network;

a re-origination control part for controlling the exchange to re-originate a call after switching the route; and

a memory for storing a telephone number of a called party that is received from a calling party;

wherein:

when a connection has been established to the Internet gateway via the first trunk, the switch control part causes the exchange to disconnect a connection to the Internet gateway via the first trunk and to release the first trunk in response to pushing a button by a caller of the calling party after an on-hook operation by the caller during a telephone call to the called party via the Internet via the first trunk, and wherein the re-origination control part then causes the exchange to re-originate a call of the calling party to the called party via the public telephone network via the second trunk by using the telephone number of the called party

stored in the memory; and

when a connection has been established to the public telephone network via the second trunk, the switch control part causes the exchange to disconnect a connection to the public telephone network via the second trunk and to release the second trunk in response to pushing a button by the caller of the calling party after an on-hook operation by the caller during a telephone call to the called party via the public telephone network via the second trunk, and wherein the re-origination control part then causes the exchange to re-originate a call of the calling party to the called party via the Internet gateway via the first trunk by using the telephone number of the called party stored in the memory.

In a Response to Office Action timely mailed on November 12, 2004, together with a petition for a one-month extension of time, Applicants made the following arguments:

In a Response of May 21, 2004, Applicants submitted the following remarks with regard to claims 14 – 16:

Farris discloses a packet data network with quality monitoring. A call through a packet network is monitored during the course of communication. In the event that service quality is degraded below a minimum acceptable level, the call is rerouted without termination over an alternate network (see, e.g., column 4, lines 46 – 63 and column 10, line 44 though column 11, line 21 of Farris).

In sharp contrast, according to the present invention as defined by new claims 14 – 16, a switch control part of the exchange causes the exchange to disconnect a connection to the Internet gateway via the first trunk and to release the first trunk, and a re-origination control part of the exchange then causes the exchange to re-originate a call of the calling party to the called party via the public telephone network via the second trunk by using a telephone number of the called party stored in memory. Farris fails to disclose or suggest Applicants' claimed switch control part and re-origination control part.

In the Office Action of July 14, the Examiner does not directly reply to these remarks. The Examiner finds claims 14 – 16 to be obvious in view of Farris, suggesting that Applicants' claimed invention differs from Farris only in the manner in which a user initiates switching of a call, and that this difference fails to rise to a level of separate patentability of the invention.

Applicants respectfully resubmit their remarks of May 21, and suggest that the differences cited extend beyond the manner in which a user initiates switching of a call. Specifically, in sharp contrast to the packet data network of Farris, Applicants' claimed switch control part causes the claimed exchange to disconnect a call made as a voice call through an Internet gateway via a first trunk

and to release this first trunk before reoriginating the call as a voice call over the PSTN via a second trunk. In sharp contrast, Farris teaches a method of changing the routing of a voice call in which the Internet call path is maintained until after a PSTN connection has been established for the voice call (see, e.g., column 11, lines 3 – 15 of Farris). Applicants' claimed approach improves trunk availability over the method of Farris.

In addition, Applicants submit that their claimed invention employs an architecture that is quite distinct from the system disclosed by Farris. Applicants' claimed exchange includes a switch and first and second trunks for switching the routing of an originating call between first and second networks interconnecting to the first and second trunks. A switch control for controlling the exchange to switch a route is coupled to a re-origination control part for reoriginating a call after the route has been switched. The reorigination control part causes the exchange to reoriginate a call using a telephone number of the called party that is stored in a memory of the exchange. Significantly, these elements of the exchange are separate and distinct from an Internet gateway that it connectable to the first trunk.

In sharp contrast, according to the system disclosed by Farris, call rerouting is initiated and controlled within an Internet gateway module that communicates with a switching exchange, presumably over a trunk-based interconnection (see, e.g., column 11, lines 4, 5 and 40 – 45 of Farris). In other words, unlike Applicants' claimed invention, the system of Farris requires both the Internet gateway module and the exchange to participate in rerouting the call. Applicants' claimed invention provides the advantage of requiring no controlling features to be provided in the Internet gateway, thereby allowing Applicants' claimed exchange to implement rerouting for Internet networks interfaced via conventional Internet gateways.

In an Advisory Action mailed on May 17, 2005, the Examiner indicated that the Response of November 12, 2004 would be entered, and that claims 14 – 16 remain rejected because the Examiner finds that the arguments presented do not place the claims in condition for allowance. Specifically, the Examiner found that the arguments distinguishing Applicants' claimed switch control part as causing the exchange "to disconnect a call made as a voice call through an Internet gateway via a first trunk and to release this first trunk before reoriginating the call as a voice call over the PSTN via a second trunk" were not recited in the claims. In addition, the Examiner suggests that, because switching speeds are rapid, process of the switch control part as argued by Applicants is none-the-less quite similar to the process disclosed by Farris, in

which in which the Internet call path is maintained until after a PSTN connection has been established for the voice call.

In amended independent claim 14, for example, Applicants amend limitations pertaining to the switching control part and re-origination control part as follows:

when a connection has been established to the Internet gateway via the first trunk, the switch control part causes the exchange to disconnect a connection to the Internet gateway via the first trunk and to release the first trunk in response to pushing a button by a caller of the calling party after an on-hook operation by the caller during a telephone call to the called party via the Internet via the first trunk, and wherein the re-origination control part thereafter causes the exchange to re-originate a call of the calling party to the called party via the public telephone network via the second trunk by using the telephone number of the called party stored in the memory;

(Emphasis added)

Similar amendments are made to claims 15 and 16. Accordingly, Applicants respectfully submit that the arguments made in the Response of November 12, 2004 are supported by the claim language. In addition, Applicants submit that while switching speeds may be rapid, the limitations taught by Applicants are none-the-less neither disclosed nor suggested by Farris. Applicants submit that Farris in fact teaches away from Applicants' claimed control process by teaching that the Internet call path is maintained until after a PSTN connection has been established for the voice call.

Applicants also further amend claims 14 – 16 to add limitations pertaining switching of a connection established via the second trunk to the public telephone network. In amended independent claim 14, for example, Applicants add the following limitations:

when a connection has been established to the public telephone network via the second trunk, the switch control part causes the exchange to disconnect a connection to the public telephone network via the second trunk and to release the second trunk in response to pushing a button by the caller of the calling party after an on-hook operation by the caller during a telephone call to the called party via the public telephone network via the second trunk, and wherein the re-origination control part thereafter causes the exchange to re-originate a call of the calling

party to the called party via the Internet gateway via the first trunk by using the telephone number of the called party stored in the memory;

In other words, Applicants claimed exchange is operative to switch calls initially placed over the Internet gateway or the public telephone network to the other network. In sharp contrast, Applicants respectfully submit that Farris by comparison fails to disclose that its disclosed packet data network voice call quality monitoring system is operative to cause the SSP switching exchange to switch a call that has been established over the PSTN to a call that is subsequently carried out over the packet data network. Switching control operations in the system of Farris are controlled by its Internet module via a trunk connection to the SSP switch. Applicants submit that Farris fails to even suggest Applicants amended claim limitations, as the Internet module of Farris that would be required to control switching from the PSTN to the packet data network would necessarily lack access to an active calling path that it could monitor for a release instruction from the user.

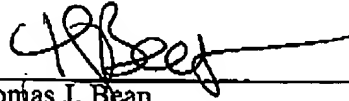
Accordingly, Applicants respectfully submit that their invention as claimed in claims 14 – 16 is not obvious in view of Farris, and that claims 14 – 16 are therefore allowable.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 14 – 16 are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, she is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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Docket No.: 100794-09729 (FUJI 16.863)

TJB:fd